IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

WRIT PETITION NO : 8435 of 1995

Between:

Ramdhar Hariprasada Rao Janni,

S/o Ramdhar Janni, aged 47 years,

Hindu, Konda Dora Archaka of Moda

Kondamma Temple, r/o Modapalli

Village, Paderu Mandal, Visakhapatnam

District.

..... PETITIONER

AND

The Mandal Revenue Officer,

Paderu, Visakhapatnam District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, particularly a writ of Mandamus declaring the memo RC.No.628/94-C, dated 22.07.1994 issued by the Mandal Revenue Officer, Paderu, Visakhapatnam District as illegal and without jurisdiction and further direct him to issue a Caste certificate to the effect that the children belong to

Konda Dora Tribe, which is recognized as schedule tribe, and pass such other order or orders as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner: MR.K.V.SUBRAMANYA NARSU

Counsel for the Respondent: GP FOR SOCIAL WELFARE

The Court made the following:

THE HON'BLE MR JUSTICE BILAL NAZKI

WRIT PETITION NO: 8435 of 1995

ORDER:

The petitioner applied for a certificate to the effect that she belongs to a scheduled tribe family, which has been rejected by the Mandal Revenue Officer. Therefore, this writ petition.

During the course of hearing, it was brought to my notice that the sister of the petitioner had been granted a certificate that she belongs to Konda Dora tribe but the certificate was later cancelled. She filed a writ petition in this Court being W.P.No.17175 of 1993 which has been decided by this Court on 29.04.2004. On disposing of that writ petition, this Court directed the District Collector to take a decision as per the provisions contained in A.P. (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993, after affording an opportunity of hearing to the petitioner and pass fresh orders. Since the case of the sister of the petitioner is pending before the District Collector, I deem it appropriate to set-aside the earlier order of the Mandal Revenue Officer and

direct the District Collector to decide the eligibility for a Caste certificate of the petitioner along with the case of her sister.

The writ petition is accordingly disposed of. No costs.

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(BILAL NAZKI, J)

23.09.2004

dr

To

1. The District Collector, Visakhapatnam.

2. The Mandal Revenue Officer,

Paderu, Visakhapatnam District.

3. Two CCs to Government Pleader for Revenue, High

Court Buildings, Hyderabad. (OUT)

4. Two CD copies.